

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Hyderabad District - Musheerabad Mandal, Bakaram Village – Sy. No. 212, land known as Abdullahaq Compound – Grant of Patta on payment of market value – Deposited Rs.1,53,000/- patta not granted – Representation of Sri M.A.Rahaman @ Azam Nallagutta, Secundeabad requesting for alternative plot within vicinity area of the said land – Refund of amount – Sanctioned – Orders – issued.

REVENUE (ASSIGNMENTS.III) DEPARTMENT

G.O. Ms. No. 1736

Dated 21.09.2011.

Read the following :-

- (1) Representation dated 24.3.2010 received from Sri M.A.Rahaman.
- (2) Government Memo. No. 15335/Assn.III(2)/2010 dated 24.4.2010.
- (3) Letter No. LPO2/F3/4805/2003, dated 25.10.2010 of the District Collector-Hyderabad addressed to Special CS and CCLA AP Hyderabad.
- (4) Letter No. BB2/2190/2010, dated 14.3.2011 received from the Special CS and CCLA – AP Hyderabad.

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ORDER :-

Sri M.A. Rahaman S/o late M.A.Razak R/o 90/C, Nallagutta, Secunderabad (the applicant herein) has submitted a representation stating that a sum of Rs.1,53,000/- was deposited to the Government Account on 10.11.1995 on the Demand of the Collector – Hyderabad vide Memo. No. 14/5358/91, dated 31.10.1995 for the cost of the land to the extent of 51 Square yards, comprised in Sy. No. 212, correlated T.S. No. 35, Block 'B', Ward No.109, situated at Bakaram Village of Musheerabad Mandal. As per the Land Grabbing Court No.214/1995, it has been decided that the property in question belongs to Wakf property, hence the applicant has requested to allot a piece of land to the extent of 51 Square yards in the vicinity, since the amount paid by him long back i.e. 15 years back to the Government and he was put into great financial loss.

2. In the reference 3rd read above, the District Collector – Hyderabad has submitted that Sy. No. 212 measuring 2.02 acres of Bakaram Village, Musheerabad Mandal, Hyderabad District is a Government land classified as poramboke sarkari as per Sesala Pahani for the year 1955-56, 1956-57 and 1957-1958. The Town Survey has been implemented and announced in the year 1980. According to TSLR the Survey number 212/P is given T.S. No.35, Block-H, Ward No.109. The name of the registered holder as per column No.10 recorded as "Government" and as per column No.20 the name of the present enjoyer is shown as grave yard. The extent of the land is 7430 Square Meters.

3. The District Collector – Hyderabad has further submitted that, it was found that some people were in illegal occupation of the lands in question. As such notices under section 7 of the Land Encroachment Act, 1905 have been served on the encroachers. A decision was taken to file a land grabbing case against all the illegal occupants and as well filed the cases in OP No. 362/88, 363/88, 364/88, 365/88 land Grabbing Tribunal cum Chief Judge, City Civil Court, Hyderabad.

4. The Hon'ble Court has delivered judgment on 11.10.1993 and held that the land is a Government land and the encroachers are declared as land grabbers. The Court has also directed that respondent to make an application if he is so entitled the scheduled land for grant of patta to the Collector before the end of October, 1993. The Collector is directed to consider the request of the respondents for grant of patta within three months from 01.11.1993. if the Collector decides not to grant patta in favour of the respondents then the respondents can be evicted from the suit scheduled land after 1.2.1994. All the encroachers have therefore submitted applications to the Collector for regularization of their possession on payment of value of the land @ Rs.100/- per square yard.

5. It has also been submitted that since the value offered by the respondent was too low to the value existing in the vicinity area, a Show Cause Notice No. 14/5358/1991, dated 24.12.1995, fixing the value @ Rs.3,000/- per Square yard was served on the encroachers / respondents.

6. In response to the show cause notice, the respondents' encroachers have filed application on 25.1.1995 informing the Collector that the A.P. Wakf Board is claiming the land in question to be the property of the Wakf Board and they are the tenants to the Board.

7. The Wakf Board has filed a batch of cases in O.S. No. 339/82, 340/82, 341/82, 342/82, 343/82, 344/82, 706/82, 1436/82, 1446/82, 2173/82 and 2481/82 on the file of the VII Assistant Judge, City Civil Court, Hyderabad for eviction of the respondent encroachers. That the Hon'ble Court accordingly decreed that above suit on 8.7.1994. They have applied for certified copy of the said judgment to file an appeal and also requested for two months time for payment.
8. Subsequently while rejecting applications of the respondents / encroachers proceedings were issued on 2.8.1995 ordering for demolition of the structures existing in the Government land to resume the possession. This order has been implemented and possession of the land in question was handed over to the Mandal Revenue Officer on 3.8.1995. Aggrieved by the above action, the respondents / encroachers including other persons have filed a Writ Petition No. 17604 of 1995 for direction to the Collector to grant pattas to them on payment of reasonable cost of the land.
9. The Hon'ble High Court subsequently on 14.8.1995 has passed orders in W.P. No. 17604/95 directing the respondents i.e. Collector to put to the petitioner back in possession consider the representation dated 25.1.1995 and then allow them to be at liberty to take further proceedings in accordance with law in case they decided not to grant patta to the petitioners and resume the land.
10. A Writ Appeal No.1137/95 has been filed by the Government, collector and Mandal Revenue Officer against the above orders of the High Court before the bench, which was disposed on 10.10.1995 with a direction that the Collector may consider to assign / settle the land with them. That the collector may however, wait for a period of 30 days before taking any coercive action and give opportunity to the writ petitioners / respondents to vacate voluntarily or in the alternative to pay the compensation amount and obtain the assignment.
11. The Writ Petitioners / Respondents have paid the value of the land through individual challans and subsequently with the proceedings No. 14/5358/91 dated 20.11.1995 their possession has been regularized by allotment of land to the extent of the land occupied by individuals.
12. When the lands disposed off in favour of the occupants and they were constructing the structures, the A.P. Wakf Board authorities have issued notices to them to stop the construction informing that the Hon'ble High Court in WPMP No. 35444/95 and 34556/95 in WP No. 28006/95 on 15.12.1995 issued interim injunction not to change the nature of land and also suspended the Collector's Proceedings No. 14/5358/95, dated 20.11.1995.
13. The W.P. No. 25826 of 1995 has been filed by grant son of late Nawab Hazarath Abdul Haq whose graveyard is situated in the land seeking a declaration that the land in Sy. No.212 is not a Government poramboke land. One Sri Syed Jamaluddin Ali Khan, who claims to be the duly appointed Muthawali of the Wakf filed WP No. 20546 and 28435 of 1995 challenging the proceedings of Collector and not to grant pattas.
14. Further, Syed Jamaluddin Ali Khan & (5) others filed suit in special court vide LGC No. 214/1995. The Hon'ble Special Court dismissed the LGC No. 214/1995 holding that the scheduled property is wakf property and applicants are at liberty to initiate action at appropriate forum to agitate their claim, as respondents set up a plea that they are tenants of the property and this court has no jurisdiction to deal with other issues other than Act of land grabbing.
15. Based on the above orders of court in LGC No. 214/1995, all these writ petitions are disposed of observing that as per the finding recorded by the Special Court judgment dated 16.3.2006, the land admeasuring 3600 Square yards in Sy. No. 212 of Bakaram Village is Wakf Property.
16. Aggrieved by orders of LGC No. 214/95, one Sri E.neeshwar and (9) others filed W.P. No. 17905/96 against Wakf Board, Collector – Hyderabad and MRO & others which was disposed of taking into consideration of the findings given in the LGC and revision petition also disposed off on 11.6.2007.
17. Now, the respondents in LGC No. 214/1995 whom land was regularized by the Collector's Office requested to allot any other land or place or release the amounts paid by them.
18. The District Collector – Hyderabad has further submitted that the matter has been brought to the notice of Chief Executive Officer - A.P. State Wakf Board with a request to offer opinion on the regularization done by their Office, which was recorded as Government in revenue records earlier to the orders of Hon'ble Special Court and High Court declaring as Wakf Property.

19. In turn, the Chief Executive Officer – Wakf Board has requested to make necessary correction in revenue records as wakf property in the name of maqbera Abdul Haq by cancelling the Collector-Hyderabad proceedings issued vide dated 20.11.1995.

20. Accordingly, Collector-Hyderabad vide Proceedings No. LPO2/F3/4805/2003, dated 03.04.2010 cancelled the regularization proceedings issued and served to all the occupants in Sy. No. 212 correlated to TS No. 35, Block-H, Ward No. 109 of Bakaram Village of Musheerabad Mandal. Since the allotment of alternative plots within vicinity area is not possible.

21. In view of the above circumstances, the District Collector – Hyderabad has requested the Special Chief Secretary and Chief Commissioner of Land Administration to give instructions as to whether the applicant along with (17) others may be refunded the amount deposited in the following head of account towards the regularization of their occupations.

Head of Account

0029	-	Land Revenue
MH 107	-	Sales Proceeds of Waste land and resumption of land tax
SH (81)	-	Other items

22. In the reference 4th read above, the Special Chief Secretary and Chief Commissioner of Land Administration, vide letter No. BB2/2190/2010, dated 14.3.2011 while reiterating the position explained by the District Collector has submitted that Sri M.A. Rahaman alias Azam has represented to consider his case for alternative allotment of piece of land within the vicinity of the area to eak-out his livelihood in these hard days. The applicant has requested to allot a piece of land within the vicinity area as a special case, for which he has already deposited required amount of Rs.1,53,000/- and therefore, requested the Government to issue orders ad deemed fit in the matter.

23. In the circumstances reported by the District Collector – Hyderabad and having regard to the facts of the case, Government have observed that since the earlier proceedings for regularization of land were cancelled due to the property claimed by the individuals is wakf property and allotment of alternative plots in the vicinity area is not possible. It is evident that the land under reference is a wakf land. Government after careful examination of the mater hereby accord permission to the District Collector to refund the amount paid by the applicants by drawing the amount from the following head of account.

0029	-	Land Revenue
MH 107	-	Sale Proceeds of Waste lands and redemption of land tax
SH (96)	-	Deduct – Refunds (to be opened)

24. The above order issues with the concurrence of Finance (Expr.Revenue) Department vide their UO No.019526/240/A1/Expr.Rev/2011, dated 14.09.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief secretary and Chief Commissioner of
Land Administration, AP Hyderabad.

The Collector – Hyderabad.

Copy to:

The Finance (Expr. Rev.) Department.

The Applicants

[thro' Collr. Hyd]

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/ Forwarded :: By Order /

SECTION OFFICER